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July 31, 2020

BY ECF

Honorable Leonie M. Brinkema
U.S. District Judge
Albert V. Bryan U.S. Courthouse
401 Courthouse Square
Alexandria, VA 22314

Re: *Elzagally et al v. Haftar*
U.S. District Court for the Eastern District of Virginia
1:19-cv-00853-LMB-MSN

al-Suyid et al v. Hifter et al
U.S. District Court for the Eastern District of Virginia
1:20-cv-00170-LMB-JFA

Dear Judge Brinkema:

As this Court is aware, General Khalifa Hifter, commander of the Libyan National Army, is named as a defendant in both of the above-captioned cases. Gen. Hifter is now aware of these two cases, and he has retained the undersigned to represent him before this Court. In turn, this Firm has asked Edward Ungvarsky, Esq. of Ungvarsky Law, PLLC to serve as local counsel.

Each case was referred to a U.S. Magistrate Judge who then issued a report outlining proposed findings of facts and recommendations to this Court. In *Elzagally et al v. Haftar*, the Magistrate recommended that the Court dismiss plaintiff's motion for default judgment. However, in *al-Suyid et al v. Hifter et al*, the Magistrate recommended that the Court enter default judgment in favor of the plaintiffs.

As Gen. Hifter did not receive service of the complaints or the reports and recommendations and was previously unaware of the two cases, we respectfully request that this Court allow Gen. Hifter to enter these matters and respond substantively and procedurally to the complaints and Magistrate reports and recommendations. Furthermore, as plaintiffs' complaint *al-Suyid et al v. Hifter et al* acknowledges, Gen. Hifter left Virginia almost a decade ago and has been resident in Libya since 2011. Accordingly, Gen. Hifter does not consent to any assertion of personal jurisdiction in these matters.

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If permitted by this Court, Gen. Hifter therefore intends to answer to the complaints and reports and recommendations in these matters with formal motions or other responsive pleadings.

Counsel for Gen. Hifter in these matters also intends to file a Motion for Leave to Appear Pro Hac Vice before this Court in the above-captioned cases. Further, in light of the similar factual and legal issues involved in these two cases, and similar requests for relief, Gen. Hifter may seek to move the Court to consolidate the two cases under Rule 42 of the Federal Rules of Civil Procedure.

For all the foregoing reasons, undersigned counsel for Gen. Hifter seeks leave of this Court to enter the above-captioned cases, and respectfully requests two additional weeks to file the formal motions requesting to appear pro hac vice and to respond to the complaints and magistrate reports and recommendations in those matters.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Duncan P. Levin".

Duncan P. Levin, Esq.

cc: All parties (via ECF)